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Attorneys for Defendants

BUTTE COUNTY DEFENDANTS

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

CANNON HUGH DANIELS, deceased;
decedent's wife, ARIELE ROSTAMO aka
ARIELE NELSON; decedent's mother,
SUSAN ADELL DANIELS; and decedent's
father, JOSEPH ALBERT DANIELS, IV,
individually,

Plaintiff,

vs.

CALIFORNIA FORENSIC MEDICAL
GROUP, INC., WELLPATH
MANAGEMENT, INC., BUTTE COUNTY,
S. Parker, D. Brownfield, Sergeant Turner,
Sergeant Behlke, Deputy Darnell, Deputy
Smith, Deputy Yee, Deputy Bazan, Deputy
Thornton, Sergeant Mell, Deputy Lazurenko,
Deputy LaRue, Deputy Ogden, Deputy
Mayfield, Deputy Davis, Deputy Tauscher and
Lt. Jarrod Agurkis, SACRAMENTO
COUNTY, Officer McKersie, Sergeant Bunn,
Sergeant Jenkins, Officer Rickett, Lieutenant
Hodgkins, Officer Gailey, Officer Tallman,
Officer Pomosson, and Officer Folena
Defendants.

Case No.: 2:21-cv-00277-JAM-JDP

**STIPULATION AND ORDER REGARDING
DEFENDANTS' OPPOSITIONS TO PLAINTIFFS'
MOTION FOR SUMMARY JUDGMENT AND
DEFENDANTS' CROSS-MOTIONS FOR
SUMMARY JUDGMENT**

Complaint Filed: 02/11/2021

1 Having previously met and conferred regarding the parties' intention to file cross-motions for
2 summary judgment, IT IS HEREBY STIPULATED by and between Plaintiffs Arielle Rostamo aka Arielle
3 Nelson, Susan Adell Daniels, and Joseph Albert Daniels ("Plaintiffs"), and Defendants California Forensic
4 Medical Group Inc. ("CFMG"), Wellpath Management, Inc. ("Wellpath"), and County of Butte ("the
5 County") (collectively "Defendants") (Plaintiffs and Defendants collectively referred to as "the Parties"),
6 through their respective counsels of record, as follows:

- 7 1. Pursuant to a Scheduling Order previously issued by this Court, the prior dispositive motion filing
8 deadline in this matter was June 23, 2023, with a hearing date of August 22, 2023, at 1:30 p.m.
- 9 2. The Court's Status (Pre-trial Scheduling) Order provides that "[a]t least 28 days before the dispositive
10 motions filing deadline, the parties must meet and confer to determine whether they intend to file
11 cross-motions for summary judgment." (ECF No. 35.)
- 12 3. Pursuant to the Court's Status (Pre-trial Scheduling) Order, on or about May 8, 2023, counsel for
13 Plaintiffs and Defendants began corresponding to meet and confer regarding the filing of cross-
14 motions for summary judgment.
- 15 4. On or about May 25, 2023, the parties further met and conferred regarding the contemplated cross-
16 motions for summary judgment but were unable to informally resolve the issues raised during the
17 conference and agreed that the parties would file cross-motions for summary judgment in this matter.
- 18 5. The Status (Pre-trial Scheduling) Order further provides that "Plaintiff's opening brief . . . shall be
19 filed at least 14 days before the dispositive motion filing deadline."
- 20 6. On or about June 9, 2023, fourteen days between the June 23, 2023, dispositive motion filing deadline,
21 Plaintiffs filed their Motion for Partial Summary Judgment. (ECF No. 47.) Plaintiffs noticed the
22 hearing date for August 22, 2023, at 1:30 p.m. in Courtroom 6. (*Id.*)
- 23 7. The Court's Status (Pre-trial Scheduling) Order provides that "The plaintiff's concurrently-filed
24 notice of motion shall indicate the parties' intention to file cross motions and shall notice a hearing
25 date at least 42 days from the date of filing."
- 26 8. Plaintiffs' Motion for Partial Summary Judgment mistakenly did not include the language indicating
27 the Parties' intent to file cross-motions for summary judgment, which is referenced in paragraph 7
28 above. (*See* ECF No. 46.)

- 1 9. On or about June 12, 2023, the Court issued a Minute Order indicating the Court was unavailable to
2 hear Plaintiffs' Motion on August 22, 2023. (ECF No. 53.)
- 3 10. On or about June 13, 2023, Plaintiffs filed an Amended Notice of Motion and Motion for Partial
4 Summary Judgment, set to be heard on September 12, 2023, at 1:30 p.m. (ECF No. 54.)
- 5 11. The Court's Status (Pre-trial) Scheduling Order provides that "Defendant's opposition and cross
6 motion for summary judgment . . . shall be filed at least 28 days before the hearing." (ECF No. 35.)
- 7 12. Pursuant to the Court's Status (Pre-trial) Scheduling Order, Defendants planned to file their
8 Oppositions and Cross-Motions for Summary Judgment on August 15, 2023, to be heard with
9 Plaintiffs' Motion on September 12, 2023.
- 10 13. On August 11, 2023, the Court issued a Minute Order noting that Defendants have not filed
11 Oppositions to Plaintiffs' Motion and ordered Defendants to file Oppositions on or before August 18,
12 2023. (ECF No. 46.)
- 13 14. On August 11, 2023, counsel for the County of Butte informed the Court that the Parties had met and
14 conferred regarding cross-motions for summary judgment, and that Defendants were planning to file
15 their Oppositions and Cross-Motions on August 15, 2023.
- 16 15. The Court informed the Parties that they should file a stipulation and proposed order indicating the
17 parties' intent to file cross-motions for summary judgment, and that if the stipulation is approved, the
18 hearing on the cross-motions will be scheduled for October 10, 2023, at 1:30 p.m.
- 19 16. Given the foregoing, the Parties hereby stipulate that Defendants be afforded the opportunity to file
20 Cross-Motions for Summary Judgment, to be heard concurrently with Plaintiffs' Motion for Partial
21 Summary Judgment, on October 10, 2023, at 1:30 p.m.
- 22 17. The Parties further stipulate that, pursuant to the Court's Status (Pre-trial Scheduling) Order (ECF
23 35): (1) The deadline for Defendants to file their Oppositions and Cross-Motions for Summary
24 Judgment shall be 28-days before the hearing date on the Motions; (2) the deadline for Plaintiffs to
25 file their Oppositions to the Cross-Motions and their Reply for their Partial Motion for Summary
26 Judgment shall be 14-days before the hearing date; and (3) the deadline for Defendants to file their
27 Replies for their Cross-Motions shall be 7 days before the hearing date.
- 28

1 **IT IS SO STIPULATED.**

2 Date: August 14, 2023

ANDREW E. BAKOS & ASSOCIATES, P.C.

3
4 By /s/ Andrew Bakos

5 Andrew Bakos

6 Attorney for Plaintiffs

7 Date: August 14, 2023

D.B. HILL, A PROFESSIONAL LAW CORPORATION

8
9 By /s/ Dennis B. Hill

10 Dennis B. Hill

11 Attorney for Plaintiffs

12 Date: August 14, 2023

LAW OFFICES OF JEROME M. VARANINI

13
14 By /s/ Jerome M. Varanini

15 Jerome M. Varanini

16 Attorney for Defendants CALIFORNIA

17 FORENSIC MEDICAL GROUP, INC., and

WELLPATH MANAGEMENT, INC

18 Date: August 14, 2023

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19 A PROFESSIONAL CORPORATION

20
21 By /S/ Alison J. Southard

22 William E. Camy

23 Alison J. Southard

24 Attorneys for Butte County Defendants

ORDER

Pursuant to the foregoing stipulation of the parties, and good cause appearing therefore, IT IS
HEREBY ORDERED as follows:

1. Plaintiffs' Motion for Summary Judgment and Defendants' Cross-Motions for Summary Judgment shall be heard on **October 17, 2023, at 1:30 p.m.¹**;
2. Pursuant to the Court's prior scheduling order, the deadline for Defendants to file Oppositions to Plaintiffs' Motion for Summary Judgment and Cross-Motions shall be **28 days** before the hearing date;
3. The deadline for Plaintiffs to file their Replies for their Partial Motion for Summary Judgment and their Oppositions to Defendants' Cross-Motions shall be **14 days** before the hearing date; and
4. The deadline for Defendants to file their Replies for their Cross-Motions for Summary Judgment shall be **7 days** before the hearing date.

IT IS SO ORDERED.

Dated: August 14, 2023

/s/ John A. Mendez

THE HONORABLE JOHN A. MENDEZ
SENIOR UNITED STATES DISTRICT JUDGE

¹Calendars are subject to last minute changes. October 17, 2023 is the Court's next civil law and motion calendar. The briefing deadlines are in accordance with this date.